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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,560	03/30/2004	Lex Olorenshaw	50T5730.01/1699	3694

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EXAMINER	
JACKSON, JAKIEDA R	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/812,560	OLORENSHAW ET AL.	
	Examiner	Art Unit	
	Jakieda R. Jackson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed May 25, 2006, applicant submitted an amendment filed on August 18, 2006, in which the applicant traversed and requested reconsideration with respect to **claims 1, 5, 9, 12-13, 19, 21, 25, 29, 32-33, 37, 39 and 41-47**.

Response to Arguments

2. Applicant argues regarding claims 1, 21 and 41 that Cooley is limited to teaching only a single process of converting input speech into captioning text. Applicants further argue that Cooley fails to teach a second process in which "said speech recognition engine converts a spoken data request into a text data request". Applicant arguments are persuasive.

Applicant further argues that nowhere in Cooley does it teach or suggest comparing the captioning text to anything else as part of a "retrieval procedure." However, in order to receive the related voice, text and image, some comparison has to be done, which is transparent to the user. Therefore, Applicant's arguments are not persuasive.

Applicant further argues that Cooley fails to teach using the comparison procedure to identify "a requested object identifier for locating a requested data object." However, as mentioned previously the end result of the transparent comparison results in the data object. Therefore, Applicants arguments are not persuasive.

Regarding claims 1, 21 and 41-47, Applicants argue that nowhere in Greene teaches a "system user" that affirmatively utilizes "a speech recognition engine" of a local electronic device to transform "spoken data descriptions" into "text data description" for labeling and indexing stored images. In particular, Applicants submit that Greene fails to teach that a system user separately creates both "text data description" and "a text data request" for comparison purposes during the claimed "retrieval procedure." Applicant arguments regarding claims 1, 21 and 42-43 are persuasive. However, regarding claims 43-47, the rejection stands. Claims 1, 21 and 42-43 are not taught based on the combination of authoring module and the retrieval module. However, claims 43-47 teach some of the limitations individually and therefore, is taught by Greene, in which Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 43-47** are rejected under 35 U.S.C. 102(b) as being anticipated by Greene, Jr. et al. (USPN 6,377,925), hereinafter referenced as Greene.

Regarding **claim 43**, Greene discloses a system for indexing electronic information, comprising:

an authoring module that coordinates an authoring procedure for creating an index file that includes pattern word sets corresponding to images (column 5, lines 2-3) stored in a memory device (figure 1, element 53), said pattern word sets being generated with a speech recognition engine that transforms spoken data descriptions into text data descriptions (receive speech imputes from microphone and converts the speech into text; column 4, line 65 – column 5, line 5) that are edited upon an indexing graphical user interface (edit through keyboard; column 6, lines 18-20) for creating said pattern word sets, said pattern word sets being associated with image identifiers that identify said images (column 5, lines 2-3 with column 6, lines 1-11); and

a retrieval module that manages a retrieval procedure in which said speech recognition engine converts a spoken data request into a text data request receive speech imputes from microphone and converts the speech into text; column 4, line 65 – column 5, line 5), said retrieval module accessing said index file for comparing said text data request and said pattern word sets to identify a requested image identifier for locating a requested image from among said images stored in said memory device (figure 1, element 53).

Regarding **claim 44**, Greene discloses a system for indexing electronic information, comprising:

an authoring module that creates an index file that includes pattern word sets corresponding to data objects (column 5, lines 44-52);

a speech recognition engine that converts a spoken data request into a text data request (converts speech to text; column 5, lines 2-5 with column 6, lines 1 –11); and

a retrieval module that compares said text data request and said pattern word sets to locate a requested data object (column 5, lines 24-52).

Regarding **claim 45**, Greene discloses a system for indexing electronic information, comprising:

an authoring module that coordinates an authoring procedure for creating an index file that includes pattern word sets corresponding to data objects stored in a memory device (figure 1, element 53), said pattern word sets being generated with a speech recognition engine that transforms spoken data descriptions into text data descriptions for creating said pattern word sets (converts speech to text; column 5, lines 2-5 with column 6, lines 1 –11), said pattern word sets being associated with data object identifiers that identify said data objects (column 5, lines 24-52).

Regarding **claim 46**, Greene discloses a system for indexing electronic information, comprising: a retrieval module that manages a retrieval procedure in which a speech recognition engine converts a spoken data request into a text data request (converts speech to text; column 5, lines 2-5 with column 6, lines 1 –11), said retrieval module comparing said text data request and said pattern word sets to identify a requested object identifier for locating a requested data object from among data objects stored in a memory device (figure 1, element 53 with column 5, lines 24-52 and column 6, lines 1-11).

Regarding **claim 47**, Greene discloses an electronic indexing system implemented by:

creating an index file that includes pattern word sets corresponding to data objects (column 6, lines 1-11), said pattern word sets being generated with a speech recognition engine that transforms spoken data descriptions into text data descriptions for creating said pattern word sets converts speech to text; column 5, lines 2-5 with column 6, lines 1 –11);

utilizing said speech recognition engine to automatically convert a spoken data request into a text data request converts speech to text; column 5, lines 2-5 with column 6, lines 1 –11); and

comparing said text data request and said pattern word sets with a retrieval module to identify a requested object identifier for locating a requested data object (comparing word to clip; column 5, lines 24-42).

Allowable Subject Matter

5. Claims 1-42 and 48-49 are allowed.

Regarding claim 1, 21 and 41-42, they recite a system, method and computer medium for indexing electronic information. Prior art such as Cooley and Greene recite similar configurations, but fails to teach the combination of an authoring module and a retrieval module wherein a system user utilizes the authoring procedure to dynamically create unique text data description that serve as labels for subsequently comparing to a separate spoken data request in the retrieval procedure. As for Green and Cooley, the recite a method system and computer medium that is limited to teaching only a single process of converting input speech into captioning text. That is the system fails to teach

that a system user separately creates both "text data description" and "a text data request" for comparison purposes during the claimed "retrieval procedure."

Dependent claims 2-20, 22-40 and 48-49 are allowed because they further limit their parent claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ November 9, 2006

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER